

United States District Court
for the
Northern District of New York
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Nicholas Pittarelli

Case Number: 3:99-CR-00479-001

Name of Sentencing Judicial Officer: Thomas J. McAvoy

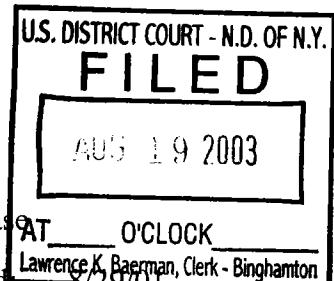
Date of Original Sentence: 1/27/00

Original Offense: Wire Fraud

Original Sentence: 21 Months Bureau of Prisons & 3 Years Supervised Release

Type of Supervision: Supervised Release Date Supervision Commenced: 3/20/01

Asst. U.S. Attorney: Thomas P. Walsh Defense Attorney: Alexander W. Luckanick



PETITIONING THE COURT

To issue a warrant
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 General Condition: The offender shall not commit another federal, state or local crime.

The offender was arrested by New York State Police on August 18, 2003, for the crime of Grand Larceny in the Third Degree, a Class D Felony. The offender is alleged to have taken a deposit of \$16,328.80 to begin work on a log cabin home, valued at \$141,298 in the Town of Catskill, NY on February 14, 2003. The offender cashed the check on February 19, 2003 and to date no work has been completed on this site.

2 Standard Condition #2: The offender shall submit a truthful and complete written report within the first five days of each month.

The offender has failed to provide truthful income information regarding the \$16,328.80 deposit obtained on February 14, 2003 on any of his income and expense sheets. The offender has failed to admit he was consulting in debt portfolios after March 17, 2003 and failed to report any income from this business venture, particularly a \$3,000 payment.

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3 Standard Condition #3: The offender shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

The offender has failed to provide information regarding the \$16,328.80 deposit from the Catskill, NY site. The offender was instructed by this office on September 12, 2001, to provide documentation of all major expenses, all recorded income should have copies of contracts, checks and bank statements. The offender is to request purchase of all large ticket items. The offender failed to report his consulting in the debt collection business after March 17, 2003. He also failed to report any income from this business venture.

4 Special Condition #1: The offender shall submit to a mental health evaluation and complete treatment as directed by the Probation Officer.

The offender was evaluated by Tioga County Mental Health on December 18, 2001 and January 9, 2002. The evaluation recommended that the offender attend men's therapy group for Antisocial Personality Disorder. He was also recommended to attend individual sessions at the same facility. On June 4, 2003, a discharge letter was received from Tioga County Mental Health stating it was no longer appropriate for the offender to attend group. The offender was focused on losing time and money from his business by attending this group.

5 Special Condition #2: The offender shall provide the probation officer with access to any requested financial information.

The offender was instructed by this office on September 12, 2001, to provide documentation of all major expenses, all recorded income should have copies of contracts, checks and bank statements. The offender is to request permission to purchase all large ticket items. The offender failed to provide bank statements to this office for the months of May 2002, August 2002, September 2002, December 2002, February 2003, March 2003, June 2003, July 2003 and August 2003. The offender failed to provide a contract or receipt for \$16,328.80 deposit received on February 14, 2003. He failed to show receipt for monies received from the Bowbridge Road, PA. project. The offender submitted his Federal, NY and PA tax return on July 29, 2003 which showed unreported gross income to this office in the amount of \$1,187. The offender failed to report any income from consulting in debt collection business, particularly a \$3,000 payment.

6 Special Condition #5: The offender shall pay any special assessment, restitution or fine that is imposed by this judgement, and that remains unpaid at the commencement of the term of supervised release.

The offender failed to pay 10% of gross income or \$200 restitution for the following months: July 2001, August 2001, September 2001, December 2001, February 2002, April 2002, June 2002, September 2002, November 2002, January 2003, April 2003, and May 2003.

U.S. Probation Officer Recommendation:

The term of supervision should be:

Revoked
 Extended for year(s), for a total term of years.

The conditions of supervision should be modified as follows:

Reviewed by:

MP for TK

BRUCE D. VANTASSEL
Sr. U.S. Probation Officer, OIC

Respectfully submitted,

by

Michael J. Pierce

MICHAEL J. PIERCE
U.S. Probation Officer
Date: August 18, 2003

THE COURT ORDERS

No Action
 The Issuance of a Summons
 Other
 The Issuance of a Warrant. This petition and all documents attached hereto are SEALED until such time as the warrant generated by this petition is returned executed.

The District Court Clerk's Office is hereby **ORDERED NOT** to serve a copy of this petition or any of the attached documents upon anyone EXCEPT that a copy is to be served upon law enforcement personnel. Copies shall be served upon the unsealing of the petition.

Thomas J. McChay

Signature of Judicial Officer

8/18/03

Date